

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SERGIO L. SHAW,

Plaintiff,

v.

OFFICER NEUMIER,

Defendant.

ORDER

09-cv-747-bbc

Plaintiff Christopher Raedel, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. Therefore, I construe plaintiff's complaint to include a request for leave to proceed in forma pauperis. A decision on the request will be delayed until plaintiff makes an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated until he submits a copy of his six-month trust fund account statement.

Plaintiff's complaint was submitted on December 10, 2009. His trust fund account statement should cover the six-month period beginning approximately June 8, 2009 and

ending approximately December 9, 2009. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff may have until January 5, 2010, in which to submit a trust fund account statement for the period beginning June 8, 2009 and ending December 9, 2009. If, by January 5, 2010, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 15th day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge